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W.P.No.3792 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.3792 of 2011

and

M.P.No.01 of 2011

K.S.Mohanraj

....Petitioner

Vs

The Chief Manager (HRM Department)
Indian Bank, Head Office,
66, Rajaji Salai, Chennai

....Respondent

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PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Certiorari Mandamus to call for the proceedings of the respondent in its IR-Legal/Meganathan and others/2010 dated 31.12.2010 and quash the same and consequently direct the respondent to confirm the petitioner service if necessary by treating him as a General Category Candidate and grant him all benefits.

For Petitioner : Mr.V.Vijay Shankar

For Respondent : Mrs. Rita Chandrasekar
for M/s. Aiyar and Dolia



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ORDER

The Writ Petition has been filed to call for the proceedings of the respondent in its IR-Legal/Meganathan and others/2010 dated 31.12.2010 and quash the same and consequently direct the respondent to confirm the petitioner service if necessary by treating him as a General Category Candidate and grant him all benefits.

2. It is the submission of the learned counsel for the petitioner that, petitioner belongs to Konda Reddi Community and it is Scheduled Tribe in terms of Scheduled Tribes Order 1950. Petitioner appeared for the examination conducted by the Banking Service Recruitment Board. He was a successful candidate and his name was sponsored for appointment in the Indian Bank. Accordingly, he was appointed on 07.04.1986. He has completed 25 years of service. He was working in the Zonal Office, Dharmapuri. Petitioner's community certificate is a genuine community certificate. However, on the ground that certificate has to be verified by the competent scrutiny committee, respondent Bank has not confirmed the petitioner's service. Several similarly placed employees' service were confirmed. Petitioner submitted a representation on 16.10.2009 seeking confirmation of his service. Apart from seeking confirmation, he sought for treating him as belonging to the general candidate. However, no action was



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taken on his representation, necessitating filing of Writ Petition in W.P.No.22546 of 2010. That Writ Petition was disposed by this Court on 29.11.2010 directing the respondent to consider the petitioner's representation for confirmation of service and pass appropriate orders within a period of 8 weeks from the date of receipt of copy of the order. He was shocked to receive the impugned order dated 31.12.2010 rejecting his representation. In the said circumstances, present Writ Petition is filed.

3. The learned counsel for the petitioner further submitted that, though petitioner was appointed as clerk on 07.04.1986, his Service is not regularized till date and he is working as Clerk and deprived of his confirmation and further promotional avenues. Thus, he filed this petition.

4. In response, the learned counsel for the respondent submitted that, petitioner's community certificate was sent for verification. So far no report has been received from the Authorities confirming the genuineness of the certificate. In the absence of the confirmation of genuineness of the certificates produced by the petitioner, petitioner's service could not be regularized. In support of this submission, he produced the copies of the letters dated 10.08.2018, 09.04.2019, 18.02.2020, 04.09.2020, 01.10.2021



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and 27.06.2022 addressed to the respective authorities seeking confirmation of petitioner's community certificate.

5. Considered the rival submissions and perused the records. From the narration of facts above and submissions of the learned counsel appearing for the parties, it is not in dispute that, petitioner was appointed on 07.04.1986 in Indian Bank as Clerk. It is also not in dispute that petitioner's community certificate was sent to the Competent Scrutiny Committee for verification. Though, this verification was initiated in 1986 immediately after petitioner joined the Service in Indian Bank, it is sad to know that, till now the verification process is not over. There is no reply received from the Authorities concerned as to the genuineness of the petitioner's community. It is too longer period from 1986 till 2024. Despite that, the process of verification of petitioner's community certificate is not over, resulting in non-confirmation of petitioner's service in the Bank and denial of the promotional opportunities. It cannot be appreciated. Therefore, this Court directs the respondent to immediately confirm the service of the petitioner taking his Community as Konda Reddi Community of Scheduled Tribe and confirm his service with consequential promotion as per rules. At the same time, this Court also highlights that, in the appointment order



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issued to the petitioner, it was specifically stated in Condition (12) as follows:

12. Keeping in view the judgement delivered by the Madras High Court in the Writ Petition filed by the candidates belonging to Kanda Reddy Community, you are appointed provisionally in the Bank Services on the basis of the community certificate issued by the Tahsildar.

The above certificate is accepted provisionally subject to verification by referring to the District Collector. If the Verification reveals that you do not belong to the Kanda Reddy Community your services will be terminated. The Services rendered provisionally under this Order would not enable you to claim permanency under any of the Industrial enactments or compensation if it is ultimately established that you are not a ST Candidate.

This condition makes it clear that, if the community certificate of the petitioner is not genuine and when it comes to light that he does not belong to Kanda Reddy Community, his service will be terminated. Therefore, petitioner's confirmation of service and promotion is subject to verification of the community by the scrutiny committee. If the community certificate proves to be false or if he does not belong to the Konda Reddy Community, it is always open to the respondent to initiate proceedings to terminate the



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service of petitioner as per rules.

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6. Therefore, he respondent is directed to confirm the petitioner's service immediately with consequential promotion, as per rules, and other monetary benefits taking into account the petitioner's date of appointment as 07.04.1986. This direction shall be complied within a period of six weeks from the date of receipt of copy of the order. The other request of the petitioner to treat him as general community and confirm his service cannot be considered.

7. Accordingly, this Writ Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

12.03.2024

Index :Yes/No

Internet:Yes/No

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To

The Chief Manager (HRM Department)
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66, Rajaji Salai, Chennai



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G.CHANDRASEKHARAN, J

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